

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

USA,

Plaintiffs,

v.

TOMMY LEE WALKER,

Defendants.

Case No. CR17-0570 EMC and
CR12-430 EMC

**PRETRIAL ORDER FOR
CRIMINAL JURY TRIAL AND
BRIEFING SCHEDULE**

Good cause appearing, it is hereby ordered that:

1. TRIAL DATE

a. Jury trial is scheduled for **7/16/2018** at 8:30 a.m. in Courtroom 5, 17th Floor, 450 Golden Gate Avenue, San Francisco, California.

Trial schedule is as follows:

7/16/2018 8:30 a.m. - 5:00 p.m.

7/17/2018 8:30 a.m. - 5:00 p.m.

7/18/2018 11:00 a.m. - 5:00 p.m.

7/19/2018 8:30 a.m. - 5:00 p.m.

7/20/2018 8:30 a.m. - 5:00 p.m.

The Court expects evidence will be completed by **7/19/2018**.

b. The trial is expected to be completed by **7/20/2018**.

c. Jury selection is scheduled for **7/9/2018 at 8:30 a.m.**

2. DISCOVERY

Both sides will comply with the Federal Rules of Criminal Procedure and Criminal Local Rule 16-1. The United States will comply with *Brady v. Maryland*, 373 U.S. 83 (1963),

1 *Giglio v. United States*, 405 U.S. 150 (1972) and *United States v. Agurs*, 427 U.S. 97 (1976).

2 3. MOTIONS

3 a. Pretrial motions (including motions *in limine*) shall be noticed and set for
4 hearing on **7/3/2018 at 2:30 p.m.** Motions *in limine* and other pre-trial motions shall be filed with
5 the Court by **6/15/2018**; responses are due **6/22/2018**. The briefing schedule for all motions shall
6 comply with Criminal Local Rule 47-2.

7 b. All disclosures under Rule 16 (including expert summaries) and Criminal
8 Local Rule 16-1(c) shall be made no later than **6/1/2018**.

9 4. PRETRIAL CONFERENCE

10 a. A pretrial conference will be held on **7/3/2018 at 2:30 p.m.** The attorneys
11 who will try the case shall attend the conference and be prepared to discuss the matters set forth in
12 Criminal Local Rule 17.1-1.

13 b. On or before **6/15/2018**, the parties shall, consistent with defendant's right
14 to an effective defense, complete the following:

- 15 (1) Serve and file a pretrial statement pursuant to Crim. L.R. 17.1-1(b).
- 16 (2) Serve and file a trial brief setting forth the following:
 - 17 (a) A description of each offense charged in the case.
 - 18 (b) A description of all of the relevant facts upon which the
19 parties stipulate.
 - 20 (c) A brief description of the law applicable to each alleged
21 offense, including, but not limited to, a listing of the
22 elements of each alleged offense and affirmative defense and
23 any instructions that the Court should consider in reaching a
24 decision in the case.
 - 25 (d) Points of law on any other issues relevant to the trial,
26 including all foreseeable procedural and evidentiary issues.
- 27 (3) Serve and file a joint exhibit list in tabular form, with (a) a column
28 that briefly describes the exhibit; (b) a column that describes for

1 what purpose the party will offer the exhibit and identifies its
2 sponsoring witness; (c) a column that states any objections to the
3 exhibit and the basis therefor; (d) a column that briefly responds to
4 the objections; and (e) a blank column for the Court's use. Before
5 this list is filed with the Court, the parties shall meet and confer, in
6 person, to consider exhibit numbers, to eliminate duplicate exhibits
7 and confusion over exhibits, and to make a good faith effort to
8 stipulate to admissibility. If stipulation is not possible, the parties
9 shall make every effort to stipulate to authenticity and foundation
10 absent a legitimate (not tactical) objection.

11 (4) Serve and file a list of the witnesses that each party intends to call at
12 the trial in its case-in-chief, not including rebuttal witnesses, briefly
13 setting forth for each witness the substance of their testimony.

14 (5) Exchange exhibits, which shall be pre-marked (plaintiff shall use
15 numbers; defendant shall use non-duplicative consecutive numbers
16 as agreed in advance) and tabbed.

17 (6) Deliver two (2) binders of all pre-marked exhibits to chambers
18 (exhibits are not to be filed). *Exhibits must be premarked. In*
19 *addition, one set of exhibits must be tagged.* Exhibits shall be three-
20 hole punched and shall be submitted in binders. Sample tags are
21 attached as Exhibit A hereto.

22 (7) Serve and file proposed jury instructions on all substantive issues
23 and on any procedural issue not adequately covered by the Court's
24 standard instructions (i.e. current version of the Ninth Circuit
25 Manual of Model Criminal Jury Instructions (also available on the
26 Ninth Circuit website at www.ce9.uscourts.gov) shall be given
27 absent objection: 1.1-1.12, 2.1-2.2, 3.1-3.2, 3.5-3.9, 7.1-7.6.

28 (a) Any instruction contained in the Ninth Circuit Model

Instructions Manual may be requested by designation of its number.

(b) Each other instruction shall be requested by setting forth the instruction in full text on a separate sheet with reference to supporting legal authority.

(c) Prior to filing the proposed instructions, the parties shall meet and confer and work in good faith towards a stipulated set of instructions. If a full agreement is not reached, the parties shall enumerate the instructions on which an agreement is reached and then list separately the additional instructions proposed by each party.

(8) Serve and lodge a proposed form of verdict and proposed questions for jury voir dire. Voir dire questions not agreed to shall be listed separately.

(9) All stipulation of fact to eliminate the need for live witnesses on undisputed matters.

c. On or before 6/22/2018, the parties shall:

(1) Serve and file any formal objections (and the basis therefor) to the opposing party's witnesses.

d. No party shall be permitted to call any witness or offer any exhibit in their case in chief that is not disclosed pursuant to this Pretrial Order, without leave of Court for good cause shown, consistent with defendant's right to an effective defense.

e. All motions *in limine* shall be heard at the Pretrial Conference.

5. CHALLENGES

The procedure for exercising peremptory challenges in Criminal Local Rules 24-2 and 24-3 will be observed absent objection by the parties.

6. COPIES

Each document filed or lodged with the Court must be accompanied by a copy for

1 use in the Judge's chambers.


2 7. CHANGE OF PLEA

3 Counsel shall give prompt notice to the United States Attorney and to the
4 Court of any intention to change a previously entered not guilty plea. A written plea agreement
5 must be submitted at least one (1) day in advance of the plea.

6 8. Jury instructions, proposed form of verdict, and requested voir dire shall also be
7 submitted to Chambers in Word format on a CD.

8 Dated: 5/25/2018

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EDWARD M. CHEN
United States District Judge

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Juror Questionnaire

1. Name
2. City of residence
3. Occupational status.
4. Educational background.
5. Organizations.
6. Hobbies.
7. Marital status.
8. Spouse's occupation.
9. Children (including ages).
10. If a juror on another case.
11. If ever a grand juror.
12. If ever in the military.

<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>Case Number: _____</p> <p>PLTF / DEFT EXHIBIT NO. _____</p> <p>Date Admitted: _____</p> <p>By: _____</p> <p>Betty Lee, Deputy Clerk</p>	<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>Case Number: _____</p> <p>PLTF / DEFT EXHIBIT NO. _____</p> <p>Date Admitted: _____</p> <p>By: _____</p> <p>Betty Lee, Deputy Clerk</p>	<p>UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA</p> <p>Case Number: _____</p> <p>PLTF / DEFT EXHIBIT NO. _____</p> <p>Date Admitted: _____</p> <p>By: _____</p> <p>Betty Lee, Deputy Clerk</p>
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